United Nations S/2000/981

Security Council

Distr.: General
11 October 2000
English
Original: Arabic

Letter dated 10 October 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 9 October 2000 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister addresses instances of the injustice and aggression to which Iraq is being subjected; he calls for a review of the compensation regime in the light of international law and for the acknowledgement of Iraq's right to claim compensation from the countries engaged in aggression against it for the consequences of that aggression; and he urges that the no-flight zones be condemned and that the United States, the United Kingdom and the countries that provide the logistic facilities for their aggression, namely Saudi Arabia, Kuwait and Turkey, should be made to bear full international responsibility, including responsibility for the payment of compensation to Iraq.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the letter dated 10 October 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

I am writing to you in order to call attention to the enormous and unreasonable claims for compensation that have been submitted by Kuwait, a matter that can only be characterized as the plundering of Iraq's assets and the impoverishment of its people.

These claims and others of the same kind made by countries and corporations and regrettably approved by the Compensation Commission established by the Security Council confirm the bitter reality, namely that the compensation regime imposed on Iraq bears no relation to international law, to say nothing of justice, truth and fairness, as is also the case with the resolution on which it is based. In the nature of things, this would not have come about if the issue had been handled on the basis of international law and in accordance with the principles of justice and fairness.

The Security Council established the Compensation Commission in 1991 in a manner that had no precedent in international intercourse or in customary international law or treaty law. It established a precedent that had no counterpart in the history of the United Nations. This took place in circumstances where the international equilibrium had been impaired and the logic of justice was missing from the resolutions of the Security Council, under the influence of United States hegemony over the Council and its resolutions, and on the basis of motives of vengeance on the part of the United States intermixed and conflated with Zionist leanings against Iraq.

The mechanisms for the functioning of the Compensation Commission as recommended in the report of the Secretary-General of 2 May 1991 (S/22559) violate all the principles and norms of international responsibility, particularly those for determining levels of compensation for States claiming to have suffered damage or loss. This has had consequences that are at variance with the spirit and with the purposes and principles of the United Nations. Iraq, the party directly concerned in the matter, is deprived of its legitimate right to participate directly in the work of the Compensation Commission and of its panels and to be able to defend its rights before the Governing Council and its subsidiary bodies.

This right, its availability and its exercise, is the minimum acceptable if justice and fairness are to be ensured, and it is their backbone. Iraq has also been deprived of the right to be informed of all claims and to comment on them. Even in the rare cases where claims have been referred to it, Iraq has not been given sufficient time to study them and comment on them. This is to say nothing of the fact that no genuine hearings are held that Iraq is invited to attend in order to make its views heard. The decisions reached in compensation cases against Iraq can therefore only be characterized as biased and unjust and as not complying with the norms of international law and the principles of justice. They have been formulated in accordance with Machiavellian political principles based on a narrow vision of opportunism and power.

The enormous Kuwaiti claims submitted to the United Nations Compensation Commission were constructed on flimsy foundations but resulted in awards of billions of dollars with the manifest support of the United States and the United Kingdom. There are other claims on which decisions are still awaited, all of them

for large sums. There can be no doubt that this is likely to weigh on Iraq and to plunder its wealth for a long time to come, thereby exacerbating the human suffering caused by the unjust embargo that has been maintained against the country for more than 10 years.

We regard all of these decisions as unlawful, biased, unjust and unprecedented, and you are invited to discuss this matter with Iraq. Iraq should be accorded the weight it deserves in view of the fact that it is the party that must bear the burden of paying the so-called compensation, a responsibility that is greater than that of all the other parties involved.

Connected with this matter in terms of the attendant approaches, objectives and consequences is that of the daily, brutal aggression of the United States and the United Kingdom — maintained against us now for 10 years without having had any basis in any Security Council resolution — whose aircraft carry out raids on Iraqi territory every day from bases in Saudi Arabia, Kuwait and Turkey.

Saudi Arabia, Kuwait and Turkey provide these aircraft with logistic support and with every facility for their daily aggression against Iraq.

The five countries involved in the aggression against Iraq are clearly violating the Charter of the United Nations. According to the norms of international law, they are key accomplices in this aggression and they thus bear full international responsibility. Accordingly, all five of these countries are liable for all the damage they have done and continue to do to Iraq's people and to public and private property in the country. They will have to pay appropriate compensation, in material and moral terms, for such damage in accordance with the same principles on the basis of which the Security Council resolutions condemning Iraq to pay compensation were adopted. Otherwise, the basis on which these resolutions against Iraq were adopted is unlawful when the conduct of the Security Council is based on selectivity and not on the principles of the Charter. In accordance with the principles of international responsibility, Iraq reserves in full its right under international law to claim from these countries compensation for all the damage — human, material and moral — attributable to this constant, daily aggression.

On the basis of the foregoing, the Government of Iraq calls for the actions described hereunder.

1. There should be a review of the compensation regime from the ground up in the light of international law.

2. The countries involved in aggression against Iraq should bear full international responsibility for their violation of the provisions of the Charter of the United Nations, the principles of international law and the relevant Security Council resolutions; and Iraq's right to claim compensation from these countries for all the damage it has sustained as a result of their aggression should be acknowledged.

3. In view of the fact that the establishment of the two no-flight zones in Iraq was an illegal act on the part of the United States and the United Kingdom and has no basis in the Charter of the United Nations or in international law, whether treaty law or customary law, and is thus null and void, both duty and legal responsibility require the Security Council to adopt a resolution condemning the action taken. Should the United States or the United Kingdom decide to use their veto, the members of the Security Council and the other countries of the world are urged to

condemn this wanton, daily aggression on the part of the United States and the United Kingdom. This should have the effect of:

(a) Requiring the United States and the United Kingdom to bear international responsibility for imposing the two no-flight zones, for the violation by their aircraft of Iraq's airspace and for the strikes they have directed against targets inside Iraq in violation of international law and the Charter of the United Nations together with their consequences, including responsibility for the payment of compensation to Iraq for the damage thereby done to it; and

(b) Requiring Saudi Arabia, Kuwait and Turkey to bear full international responsibility for having provided logistic facilities for the United States and British aircraft using their territories to attack Iraq, including responsibility to pay compensation to Iraq for the damage done to it as a result their having done so.

(*Signed*) Mohammed Said **Al-Sahaf**
Minister for Foreign Affairs of the Republic of Iraq